

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

UNITED STATES OF AMERICA : VOLUME IV
:
vs. :
:
MICHAEL SLAGER : 2:16 - CR - 378

Sentencing in the above-captioned matter held on
Thursday, December 7, 2017, commencing at 10:04 a.m., before
the Hon. David C. Norton, in the United States Courthouse,
Courtroom VI, 81 Meeting St., Charleston, South Carolina,
29401.

APPEARANCES:

JARED FISHMAN, ESQ. and ROSE GIBSON, ESQ.,
Office of the U.S. Attorney, 601 D Street NW,
Washington, DC, appeared for the Government.

ANDREW J. SAVAGE, III, ESQ., and
DONALD L. McCUNE, ESQ., 15 Prioleau Street,
Charleston, SC, appeared for the Defense.

SHAUN C. KENT, ESQ., P.O. Box 117, Manning,
SC, appeared for the Defense.

REPORTED BY DEBRA L. POTOCKI, RMR, RDR, CRR
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843/723-2208

1 THE COURT: Yes, sir, Mr. Fishman.

2 MR. FISHMAN: Good morning, Your Honor, calling
3 United States versus Michael Slager, set for sentencing in
4 2:16-CR-00378-DCN. Morning, Your Honor.

5 THE COURT: Okay. In our system, only a United
6 States District Judge has the power and the responsibility to
7 sentence somebody; not the Court of Appeals, not even the
8 Supreme Court.

9 United States District Judge is the best job in the world.
10 I'd do it for free. But sentencing is the worst part of the
11 best job in the world. In my 27 and a half years, sentencings
12 have been the hardest decision I've had to make. But I don't
13 do it alone.

14 I have two wonderful law clerks, Shampa and Chelsea; my
15 staff, Miss Frye, who, as a matter of fact, was the U.S.
16 Probation Officer of the Year this year. But the buck stops
17 here.

18 I want to thank the Clerk's office, the Marshal's office
19 and the Federal Protective System for all their help this
20 week. I want to thank Rob Dewey for his prayers. I want to
21 thank my wife for her support and her technical advice. She
22 just happens to be the president of the National Association
23 of Medical Examiners, and a forensic pathologist in her own
24 right, and helped me with some of the autopsy report.

25 I want to thank the lawyers in this case, Mr. Savage, Mr.

1 McCune, Mr. Fishman, Miss Gibson; they're excellent lawyers,
2 and you've seen how excellent lawyers present things in court.

3 And excellent lawyers make excellent arguments on hard
4 questions. Excellent lawyers make my decisions much harder,
5 but excellent lawyers make my decisions much better, because I
6 have to think long and hard about every one of them.

7 And today, no matter what sentence I give, neither the
8 Scott family nor the Slager family is going to like it or
9 think it's right.

10 Now, as for what we argued this week, I've considered all
11 of the arguments, and I'll make the following legal
12 determinations, and there will be an extensive order filed in
13 the near future with regard to all my findings.

14 But first, as to the appropriate underlying offense of
15 deprivation of rights under color of law under 18 United
16 States Code 242, on April 4th, 2015, when the defendant shot
17 Walter Scott, he did so out of malice aforethought. Shooting
18 dead an unarmed and fleeing Walter Scott in the back was
19 reckless, wanton and a gross deviation from a reasonable
20 standard of care, such that he was aware of the serious risk
21 of death or serious bodily harm.

22 There is not sufficient evidence of heat of passion or
23 sudden quarrel mitigation to reduce it from second degree
24 murder to voluntary manslaughter for the purpose of
25 categorizing the underlying offense.

1 The Court finds that the events that transpired before
2 defendant applied deadly force do not constitute provocation
3 that would arouse a reasonable and ordinary person to kill
4 someone. Therefore, the appropriate underlying offense for
5 the 242 violation is second degree murder.

6 Second, as to the enhancement for obstruction of justice,
7 the Court finds by the preponderance of the evidence that the
8 defendant gave false testimony concerning a material matter,
9 with the willful intent to provide false testimony, rather
10 than as a result of confusion, mistake or faulty memory.
11 Specifically, the Court finds that the defendant's misleading
12 statements to SLED agents on April 7, 2015 constitute
13 obstruction of justice. At the time he made these statements,
14 he was aware that there was an investigation underway for the
15 instant offense. He made materially false statements to SLED
16 agents that are repudiated by the false -- the bystander video
17 in the case. Therefore, the Court applies the obstruction of
18 justice adjustment.

19 I'll now turn to the departures and variances. First,
20 defendant has moved for a downward departure pursuant to
21 5K2.10 of the guidelines, which permits a downward departure
22 if the victim's wrongful conduct contributed significantly to
23 provoking the offense behavior. The Court finds that this
24 departure is inapplicable under the particular facts of the
25 case, as the offense behavior was excessively disproportional

1 to Scott's misconduct. Scott's misconduct, however wrongful,
2 does not rise to the level of substantially provoking
3 defendant of the offense of applying deadly force to shoot an
4 unarmed man in the back as he ran away. Therefore,
5 defendant's request to apply this downward departure is
6 denied.

7 Second, the defendant has moved for downward departure
8 under guideline 5K2.0. The Court finds that this downward
9 departure is appropriate in this case, based on the
10 defendant's unique susceptibility to abuse in prison, and the
11 successive state and federal prosecutions. The Court finds
12 defendant is uniquely susceptible to abuse in prison due to
13 his status as a law enforcement officer, and the extensive
14 national publicity surrounding the shooting of Walter Scott.

15 The Court agrees with the reasoning of courts before it,
16 that a defendant is to be punished for his crimes, not the
17 attendant media coverage.

18 The Court also finds that the successive state and federal
19 prosecution constitute a ground for departure. When the
20 five-week State trial ended in a mistrial, the defendant faced
21 a second federal trial, based on the same underlying conduct
22 of the shooting. Therefore, the Court grants a two level
23 downward departure under 5K2.0.

24 Finally, the Court considers the need to fashion a
25 sentence that is, quote, "sufficient but not greater than

1 necessary to comply with the purposes of the sentencing set
2 forth in United States Code 3553(a)." In light of these
3 purposes of sentencing, the Court imposes a three level
4 variance.

5 So having done so, it looks like now the offense level is
6 38, criminal history category one, which is 235 to 293 months
7 imprisonment, two to five years supervised release and \$100
8 special assessment.

9 Based on the Court's determinations and rulings, does
10 anyone have objection to the guidelines in this case?

11 MR. FISHMAN: Your Honor, we just renew our objection
12 with respect to departures.

13 THE COURT: Okay. Now I'll be glad to hear --

14 MR. McCUNE: Your Honor?

15 THE COURT: Yes.

16 MR. McCUNE: Yes, Your Honor, we would object also to
17 the enhancement for the obstruction of justice. We would also
18 object to the failure to provide a downward departure under
19 5K2.10.

20 THE COURT: Well, they'll have to take those up in
21 Richmond. That's why you'll get a long order next week.

22 All right. Mr. Fishman?

23 MR. FISHMAN: Your Honor, before the Court imposes
24 sentence, various members of the victim's family would like to
25 address the Court.

1 THE COURT: Sure.

2 MR. FISHMAN: First would be the mother and father of
3 Walter Scott, Judy Scott.

4 THE COURT: Yes, ma'am.

5 MS. SCOTT: Good morning, Your Honor Norton, and
6 everyone in the courtroom. My name is Judy Scott, I'm the
7 mother of the deceased, Walter Scott.

8 I'm sorry that I have to be here this morning, but I thank
9 God that he allowed me to see another day. And I would like
10 to say that Walter Scott, he was my middle son. We called him
11 Lamar, we called him Markie, and I was his mother. I thank
12 God for my Smurf, I thank God for the 50 years that he was
13 here. I thank God because he was a happy child, he had a
14 great childhood, he loved his family, he loved family
15 reunions, he loved cartoons, he loved God, he loved it all.
16 And the last two family reunions, he missed them. He was not
17 here in 2013 or 2015.

18 I thank God that he -- remember Lamar, like I said, a
19 happy child, he was fun to be around. And if you met him, you
20 would like him. I know no one that didn't love Walter. Like
21 I said, he loved his nieces and nephews, and he loved
22 Christmas. He would tell you that he had the best childhood
23 there was.

24 I loved the neighborhood that we grew up in, finished
25 school. When he finished school, he was in the Coast Guard

1 for about three and a half years. And his first job, he loved
2 to work with his hands, he worked at Gore, that was his first
3 job. He was very precise in what he did with handicraft.

4 And I don't know, I really miss him very very much.
5 Because every day or every other day he would call to check on
6 his Smurf, to see how I was doing and see how his dad was
7 doing. And any time we would call him, he would be there.

8 It was so surreal that this happened that morning. That
9 Saturday morning when I was called by him, I heard the urgency
10 in his voice, I knew that something was wrong. I was taking
11 his youngest son, Miles, to Wal-Mart to check on some glasses.
12 And when he called and he said, Mom -- he called me mom that
13 morning, he didn't call me Smurf -- I knew something was
14 wrong. He said, the police stopped me. So I said, Lamar, you
15 know how the North Charleston police are, you know how they --
16 they'll stop you on a dime for anything. I worked at the Navy
17 yard for 28 years, and we would just go to K-mart, that you'd
18 have to -- you would have to be precise, because they would --
19 seemed like they just picked at you for any reason.

20 So when he called, I said, what is wrong? He said, I was
21 stopped by the police. And I said, well, Lamar, you know how
22 they go. Whatever they say, just do it. So there wouldn't be
23 any trouble. And then that's when I heard him say -- he began
24 to groan. He said, they tasing me. And he began to groan and
25 moan. It was a groan and a moan like I've never heard from

1 him before. He was in pain. He was hurting. They were
2 tasing him.

3 And by that time, his son, Miles, the youngest, grabbed
4 the phone. And I have no -- I could hear Miles say, Daddy,
5 Daddy. He just went berserk. I mean, he just lost it.

6 And also, this is Lamar picture. That's Lamar picture.
7 That's my -- and also, family reunion time was a great -- it
8 was one of the things that we looked forward to. Not only my
9 side of the family, but the Scott side also. This is -- I
10 don't see the other picture in here. This is one of the
11 pictures that was taken. Lamar wasn't there. He was gone.
12 And this is the other picture, 2015. Walter's not in the
13 picture. This is not even half of our family. We were a
14 close-knit family that loved one another, could depend on one
15 another, and I thank God for that. He had many friends. This
16 picture's -- I mean, I've got books.

17 His dad took many pictures from -- even from little
18 children. I was a mother that believed in God, and he is in
19 my life. And as the word states, to train up a child in the
20 way that he should go, and when he becomes old, he will not
21 depart from it.

22 Not only did I teach them the way of the Lord, but I also
23 lived it before them. I trained them, I took them. He knew
24 that Jesus Christ was in my life. This is a picture of him
25 going to church. My boys did not go to church with anything

1 on, they dressed. They had suits and ties and what have you
2 every Sunday. They had church clothes, play clothes, school
3 clothes and everything.

4 And we were a working family, my husband and I. Worked
5 hard for them. Tried to teach them and train them in the way
6 that they should go. I really -- one thing about it,
7 before -- this is our anniversary picture, the last picture
8 that we took with Lamar was on there was during -- was our
9 anniversary. And it was his idea, because he wanted to do
10 something for his parents. It was his idea, and I thank God
11 that he was able to be there. That's Walter, the middle one.
12 He was able to be there to help us celebrate 50 years. That's
13 how long my husband and I have been married. Fifty-three, it
14 will be going on.

15 But like I was saying, I remember now on Saturday morning
16 Lamar would fix the best pancakes, and Jimmy Dean sausage and
17 eggs. He would get up before the family. Even his kids was
18 able to experience some of that. But you know what? This
19 much that's written here, but one thing that I'm so glad about
20 that Jesus in my life. And when my son died, it was so
21 surreal. Every -- I did not believe that this has happened.
22 But because of Jesus being in my life, I was able to go
23 through. And as I kneeled one day to pray, the Lord reminded
24 me Lamar was here for 50 years. And he told me, Lamar did not
25 die for you, Jesus did. I had to remember that. I had 50

1 years he was here with me. And as a man is born, a man's
2 going to die. We don't know how, I don't know why it happened
3 that way, but God knows.

4 So some people ask me, how could you have forgiveness in
5 your heart? Well, the reason why I had forgiveness in my
6 heart is because one day God forgave me. I wasn't born saved;
7 I had to repent my soul. And I thank God that I knew the day
8 I was able to see that my son repented and accepted God in his
9 life. He sang on the choir, he played the drums, he was
10 faithful in the church. I taught him in the way that he
11 should go. Whatever he did after that, is in God's hands. I
12 did the right thing. And I thank God for that.

13 I am so sorry. I forgive Michael Slager. I forgive you.
14 Forgiveness is in my heart because -- Yes. And I prayed for
15 you that you would repent and let Jesus come in your life.
16 Because God, he loves us all. No matter what we have done, we
17 can come to Jesus, just as you are. And he will forgive you.
18 It's not his will. He's not happy when any of us just go any
19 way we want to go. He don't want us to go to hell. Let Jesus
20 come in. He will accept you just as you are. I feel. I
21 feel.

22 I've got lots written here, but I can't even remember it
23 all, I was just speaking from my heart, just a mom.

24 Thank you.

25 THE COURT: Thank you.

1 MR. SCOTT: Good morning, Your Honor, the Court,
2 everyone who's here. I'm not going to say much, but I want to
3 say one thing to you. That I thank God for you, thank God for
4 each and every one of you that's here. To let you know that
5 my heart is heavy. It's really heavy. And I miss my son a
6 whole lot. Because -- I miss him because of the times that we
7 had together, that he always come picking at me, always
8 teasing me all the time. And he would always, and I never
9 forget, I still can't remember why, every time he came to me,
10 he wanted to borrow \$60. And I could never figure out why you
11 always just want \$60. And every time he came to me, always
12 just wanted -- any time he came, he always just want \$60. And
13 I could never figure that out.

14 But anyway, what I wanted to say was that whatever you do,
15 Judge, whatever decision you make, let God lead you. Let
16 God -- hear what God has to say, and whatever decision that
17 God give you to do, just do what the Lord tell you to do, you
18 can do no more than that because God is in control.
19 Regardless what we say or whatever we do, God is in control.

20 That's all. Thank you.

21 THE COURT: Thank you.

22 MR. FISHMAN: Anthony Scott, the brother of Walter
23 Scott and his wife, Denise, would like to address the Court.

24 THE COURT: Sure.

25 MS. SCOTT: Good morning. My name is Denise Scott.

1 I am the wife of Anthony Scott. Walter Scott was my
2 brother-in-law. And when I wrote this, it's hard to describe
3 how to put somebody life on paper and how you feel about them,
4 it's really hard. But I went over it many times, and I still
5 don't know if I got the words in my heart to say how I really
6 feel about losing my brother Walter. Because the ultimate
7 price is death, and it's just hard.

8 I have tried to put into words the impact of losing
9 someone as special as Walter, because I married to the family.
10 I am the sister, and he's a brother that I never had, because
11 I have sisters. And Walter and I was close, like we would
12 talk every Saturday. Like if I didn't call him, he would call
13 me, we would talk, just about the week, about no particular
14 thing. And even if I was married to Anthony, he never would
15 get into it. No matter what kind of dispute or anything that
16 you had, he never would get into it. He is just not even give
17 his opinion. He'll say, it will work out, or something like
18 that, or God work it out, he never would get into it.

19 And he had a smile like Denzel Washington, his skin was
20 dark like Denzel. He was charismatic like a Clark Gable, he
21 could dance like Fred Astaire. He could make any move, no
22 matter if it was shag, pot lucking, disco, he was a dancer.
23 He could sing like Andraé Crouch.

24 And he was very involved in the church. He loved the
25 Lord. The whole family loves the Lord. It's a loving family,

1 they love the Lord. And that's one thing that I love about
2 them.

3 Walter, my family loved Walter. He would come stay with
4 us when we lived in Charlotte, me and him would hang out
5 without Anthony. That's one thing. And that's with Walter,
6 he loved people. If he met somebody, even you met, you would
7 fall in love with him. You would want to talk to him, you
8 would want to be around him.

9 He was jokey, like he would remember jokes. I can't
10 remember that, I can remember why the chicken crossed the
11 road, that's all I can remember. But he could remember the
12 details of all jokes.

13 He loved sports. He loved the Dallas Cowboys. And
14 actually, in 2015, we all were planning to go see the Dallas
15 Cowboys at the State of Arlington, and he didn't get to go.
16 So Anthony and I went, and I made these to take home with us.
17 And so I made these. And on the back of it, it says family
18 reunion, Scott Family Reunion, and this is the family letting
19 go of balloons to put in the air. Like I said, he was just a
20 brother that I didn't have.

21 The very moment that I was told by Anthony, how this
22 incident happened, I just couldn't believe it. And it
23 happened on April the 4th, ten days before my fiftieth
24 birthday. And that's one thing that Walter and I would tease
25 each other about, because he always tease me that he was about

1 the oldest, but just by a month, but he always did that, we
2 would always joke around.

3 And I wanted to plan my birthday party, but I couldn't,
4 because of this incident. So that's one thing when I talk to
5 him, I said, man, you know you messed it up. Not him, but the
6 situation did.

7 I just have been changed by this. My life has changed.
8 My outlook on people, places and things have changed. Now,
9 when I see a cop stop someone, I want to be like Feidan, I
10 want to see what's going on. I want to make sure that nobody
11 is being done wrong. Because that, to me, what Feidan did for
12 our family, for the community, is something just heroic. I
13 didn't have the courage to do it before, but now I do. So
14 this whole incident has changed me, the way I look at things.

15 And one thing I want to say is I forgive Officer Slager,
16 because he knew not what he did at that point. And God being
17 in the midst of everything, because the Bible say you born of
18 a few short days and you die. And Michael has a family.
19 Because their family, theirs like ours, it is changed and
20 hurt, then I pray for y'all, because we need prayers too.
21 Because our family has changed. And like Grammy said, the
22 family reunions, it's nothing that -- we talk about
23 everything, but we talk about Walter. Because if the music
24 came on, he was there. If laughter was there, he was in the
25 midst. So we miss him. It's no day that goes by that I don't

1 think about him. And I will miss him. That's all I got to
2 say.

3 MR. SCOTT: Good morning, Judge.

4 THE COURT: Good morning, Mr. Scott.

5 MR. SCOTT: Everyone in the building, the defense,
6 prosecutor, everybody in the building, even to the defendant,
7 I come humble today. And I come thankful that we've been able
8 to get to this point.

9 I'm truly hurt. I miss my brother. Our family has
10 changed, we'll never be the same again. We did not ask for
11 this, this was something that was thrown upon us.

12 The day that I arrived on the scene, I was one of the
13 second family members to arrive on the scene. And I -- at
14 that moment I said, something was wrong. And even though all
15 the stories that came up prior to this, and when I got on the
16 scene that day, they said that Walter had had this taser, and
17 I said, that's not Walter's character. I knew that was not my
18 brother.

19 And not only that, but I know that if that had happened,
20 that Walter had grabbed that taser, that we wouldn't even be
21 here today. It would be a totally different situation. And I
22 know that there was never a fight. Because I know that if
23 there would have been a battle there, that we would not be
24 here and he would not be sitting there today. Because he
25 would not have won that battle. So there was just a man

1 trying to get away. I knew this from the beginning.

2 And from that point on, I said that we have to seek
3 justice, we have to figure out what's going on. And from day
4 one, I knew that the stories were not right.

5 And from that point on, we went about getting things in
6 order to make sure that before we even had a film, before we
7 even knew any of this, we knew that their stories, nothing was
8 collaborating correctly. I knew something was wrong. And me
9 and my family got together and said we need to get a lawyer
10 because we need to get some kind of help on this.

11 And there was some other people, Elder Johnson, other
12 folks were there for the media. But what I'm saying is to say
13 this. We knew that the stories that were saying, that they
14 were saying were not correct. They were not collaborating.
15 They were not the correct story.

16 And we went and did the things that we had to do. And
17 sure enough, because they said he was headed toward me with
18 the taser. I'm like, if he was headed toward you, I asked the
19 sergeant that day, I said if he was headed toward him with the
20 taser, where did he get shot? Because that would mean that he
21 would be getting shot in the front. And he would not answer
22 my question. And at that point he just stopped. I said,
23 okay, I already -- I already know the answer, thank you very
24 much. And this was before the film.

25 But there's something about this whole incident that's

1 amazing, is that at the time that it happened, there was major
2 incidents going on across the United States. And some people
3 looked at it as a racially-motivated incident. And me, my
4 family, we were never raised that way. My mother and father
5 never raised us to see color, only people for who they are,
6 not judge them based on what color they are, but the content
7 of their character. And that's the way our parents raised us
8 to do that. And so I never looked at it as a
9 racially-motivated situation. But a person, and the thing
10 that ate me up for so very long is how someone could do that
11 to a person, once we saw the film. How could someone shoot
12 some man in the back like that, as he was running away.

13 As a kid, me and my brothers, we were called the stunt
14 boys. We were raised up on cowboys and Indians, so we watched
15 a lot of Westerns. And our watching a lot of Westerns, there
16 was one -- there was a couple things that you never did as
17 cowboy, because they would hang you. One of those things was
18 you never shoot a man in the back. That was one thing. And
19 the second thing was that you never shoot an unarmed man. And
20 we have both of these incidents happening, an unarmed man and
21 a man running away. In the cowboys' days, they wouldn't even
22 go to trial. They would have gone straight in there and they
23 would have taken him out there and done what they done.

24 And when I saw the film that was filmed by that courageous
25 gentleman in the back, Santana, that had the courage of David

1 to stand and film. And his life could have been threatened.
2 He could have been shot as well. He didn't know where those
3 bullets were going, he could have gotten shot and killed as
4 well. But he stood there and filmed, with the courage of
5 David. And then he gets on the stand and he gets prosecuted
6 for doing that. He gets torn apart for being a witness. The
7 only credible witness that we had. But his testimony got
8 ripped apart, because he was just in the right place at the
9 wrong time, but in the right place at the right time. Because
10 if it wasn't for that film, we would not even be here today.
11 We would not even be standing in this courtroom today, because
12 the story that was told would have been believed. And with
13 this brilliant defense team, we would have believed it.
14 Because they were able to convince a jury of 12 that what they
15 saw was not what they saw, but what they saw is what they said
16 they saw. Not what you hear, not what you see with your eyes,
17 but what we tell you you're seeing and hearing is what
18 happened. But we actually saw with our eyes what actually
19 happened and what actually took place that day.

20 It took me some time, Judge, to forgive Officer Slager.
21 And it was something that was eating at me and tearing at me
22 to the core. I went through a great depression. I would sit
23 for hours and just watch TV and not do things. And until I
24 got the help that was needed to really realize what I was
25 going through. But I also watched a movie, and it helped me

1 to release the pain of losing my brother. And after seeing
2 that, that also God gave forgiveness in my heart for Officer
3 Slager. I think I was the last one in the immediate family to
4 forgive. I mean, forgiveness came easy for them, it came very
5 hard for me. I was very angry at my family having to go
6 through watching this, our loved one being shot, over and over
7 and over again. Walter had been shot thousands and thousands
8 of times. All we could hear is those bullets going pop pop
9 pop pop pop. Pop. And we see my brother fall to the ground,
10 boom. And his face hit the dirt. And we see this over and
11 over and over again. My mother, it took years for my mother
12 to watch that video. My aunt just saw it for the first time
13 the other day. This is something that can never be erased
14 from history. Not from our history, never. Never.

15 But God was in control. This incident helped to change
16 how -- how it would be done here in the United States from
17 this point on. And we don't know why our family was chosen to
18 endure this pain, to keep peace in America. We don't know why
19 our family was chosen to keep peace in Charleston. We don't
20 know why our family was chosen to lay the format for Emmanuel
21 Nine to begin. We don't know why that happened. But we know
22 that it did happen. God prepared us so that we could get them
23 ready for what they had to go through. From a mother to set a
24 calm on the ocean, so that there would be peace in Charleston,
25 so there would be peace in the United States, so that when

1 that happened, they would be able to receive it.

2 And the other day, you know, it was -- defense team said
3 something, the only person he was able to talk to was Dylann
4 Roof. And I'm sitting, I'm like, wow, what luck.

5 I'm glad that you had the good defense that you had,
6 because that means nothing's uncovered. Mr. Savage did a
7 brilliant job. There was nothing uncovered. There was
8 nothing unturned. You had the best defense you could have
9 gotten on the East Coast, maybe the United States. I'm so
10 glad that you did. I'm so glad you did. There's no question
11 of the guilt. I just thought you would have confessed sooner
12 than you did to the killing.

13 My family will never be the same again. We have changed
14 in so many ways. And I'm not angry at you, Michael. Michael,
15 I forgive you. And, Michael, I do pray for you now.
16 Because -- and your family. Because we both going through a
17 traumatic time, and this is not easy for none of us and I do
18 pray for you.

19 And why do I do that? It's because this has changed the
20 course of the United States, of the world. And unfortunately
21 Michael made a bad decision that day. That was a bad
22 decision. He could have changed, he could have stopped, and
23 it could have been a bad decision made that day. But it
24 didn't. But it's something more and something greater that we
25 can not see. That we don't even know. We don't even know.

1 And there will be peace. And we have seen changes already
2 in the United States as far as the body cams, and these things
3 right there, these things will help so that other families and
4 other people will not have to go through the same thing,
5 officers will not have to be questioned about what happened.
6 We will all know what happened. So there's good things that's
7 come out of this. And there will be even more good and great
8 things to come out of this. But as a citizen, we all have to
9 be safe. We can not judge somebody just because of the color
10 of their skin or the economical background or where they live,
11 that they're bad people. Because that doesn't mean that
12 they're bad people because they live in a bad neighborhood.
13 They can't live somewhere else. So we can not say because I'm
14 arresting somebody in a bad neighborhood that they're a bad
15 person. That doesn't mean that. That doesn't mean -- that
16 means that their economical situation may not allow them to
17 live.

18 All right. I'm going wrap it up. I'm good. Thank you,
19 Judge. And whatever your decision is, I am prepared to live
20 with it. I am prepared because, see, at the end of the day,
21 there's another judge he has to face. There's another judge,
22 too. This judge is on this side right here, and like my
23 mother say, give him that before he see that judge.

24 Thank you.

25 THE COURT: Thank you, Mr. Scott.

1 MR. FISHMAN: Rodney Scott, the brother of Walter
2 Scott, and his wife Generia Scott, would like to address the
3 Court.

4 THE COURT: Sure.

5 MR. SCOTT: Morning, I'm Roger Scott, I'm the son of
6 Rodney Scott, Jr.

7 THE COURT: Yes, sir.

8 MR. SCOTT: Memories of my Uncle, Walter Scott, every
9 day I think of the best memories we shared. Watching
10 football, as an uncle, being a father, a son, a brother to our
11 family, and an amazing cook.

12 Hearing of my uncle's death was an experience. Seeing the
13 traumatizing videos that have left me with nightmares, dreams,
14 images that will never leave my mind. This overnight life
15 tragedy has overpowered some of the most valuable memories for
16 us all and myself. Nothing should ever replace a memory of a
17 loved one due to a murder for his actions. He didn't deserve
18 to be a piece of history due to violence. We love him, I love
19 him and truly miss him, and he is and will forever be missed.

20 Thank you.

21 THE COURT: Thank you, Mr. Scott.

22 MS. SCOTT: I'm Generia Scott, the wife of Rodney
23 Scott, the sister-in-law of Walter Lamar Scott. I've known
24 Walter for about 35 years. We met in church. When we first
25 met, all of his family came.

1 I've tried to find words to tell you how Lamar murder has
2 impacted my life, our lives. No words can ever explain or
3 describe the pain, the anger, the despair that I felt since
4 this murder.

5 Lamar loved spending time with his family. He was a great
6 uncle to his nephews, his nieces. He was that cool uncle. He
7 was -- my daughter was his first niece, and he was the very
8 first one to buy her, her Barbie doll. He was so proud of it.
9 She loved it and he loved her too. He loved to watch her
10 play.

11 My husband and I worked different shifts, and he was also
12 there to baby-sit. He had a way about kids. He -- you would
13 never ever see him get upset, loud or even angry. He was just
14 cool, calm and collected. I miss him. I miss -- he loved to
15 play chess, he loved to play dominoes and board games. And at
16 family reunions I always made sure I had those games for him.

17 I also miss the Sundays that we would go over to the
18 house. He loved to cook and we loved to eat. But to find my
19 daughter already there sitting with her children watching
20 games with him, that meant the world to him. That's all he
21 wanted.

22 We no longer have our grill master, our fixer-upper. Why
23 we have to hurt? I can only reminisce on the wonderful times,
24 because we'll never see Lamar again. I remember, I can see
25 him as he would just turn his head slightly to the side, shrug

1 his shoulders and laugh. My son does a little thing with his
2 teeth that he likes to do, and that reminds me so much of
3 Lamar. He didn't know that, but --

4 It's hard to see that my husband has lost his brother, and
5 especially in such a manner. It's hard to see him, he's a
6 talker, so he talks constantly. He reads every article, he
7 watches those videos over and over again. I'm a nurse of 27
8 years, and I feel like I can't even help him to manage his
9 needs. This has really hurt us so much.

10 Michael Slager, it is your duty to protect and serve us.
11 You displayed such a horrific and shocking position that you
12 placed five bullet holes through my brother. You destroyed
13 our family mentally in this process is as well as physically.
14 I have never experienced so much sadness, guilt and anger
15 before. I am certain that it will not end today with this
16 sentencing.

17 I beg you, Judge Norton, for the sake of the Scott family,
18 to give Michael Slager the same leniency he gave to Walter
19 Lamar Scott.

20 MR. SCOTT: Good morning.

21 THE COURT: Morning, Mr. Scott.

22 MR. SCOTT: My name is Rodney Scott, Sr., I'm the
23 youngest of the three children that my mother had. No one in
24 this room could know or understand the kind of relationship
25 that I had with my brother Walter. We did everything together

1 as children. My parents raised us in the church environment.
2 Every Christmas, Easter, Thanksgiving, I mean, every holiday
3 there was always a big celebration between me and my brother.
4 My brother slept on top bunk, I slept on the bottom bunk. We
5 had our onesies, pajamas and house coat and everything. Our
6 parents just -- they worked hard, did it all to make sure that
7 we grew up to be respectable young men. You know. And we
8 went on vacations, I mean, had great vacations together, you
9 know, and I'm going to miss those days.

10 April 4th, 2015 was the worst day of my life. I was at
11 work that morning, and we were dispatched to do our job. And
12 of course you always hear sirens on Rivers Avenue, but that
13 particular morning was different. I mean, it was a rather
14 loud, and I mean, more than what it normally would have been.
15 And me not knowing that that's -- those sirens remind me now
16 that that was the sirens going towards the incident that had a
17 taken place with my brother. That would be embedded in my
18 mind for the rest of my life. Because like I said, I didn't
19 know until I got off work that day.

20 My brother is really truly going to be missed. The day of
21 my brother's funeral, I saw friends of him that he had that
22 came from far and near. I mean, this killing of my brother
23 went global, I mean, it touched lives all over the world. We
24 got phone calls from friends of his that went to school with
25 him, went in the Coast Guard with him, he had friends that

1 traveled from California, Maine, I mean, you name it, they
2 came from everywhere. He must have had had over a thousand
3 people at his funeral, because they couldn't believe, not
4 Walter Scott. Not Walter Lamar Scott that went to St. Andrews
5 High School with us, it couldn't be.

6 My phone is probably blowing up right now because still
7 people in disbelief what we went through, what we had to go
8 through. My church family, they all hurt. My brother led
9 songs, I mean, the opening song for church on Sundays, he led
10 that song. As a matter of fact, the church that we belong to
11 right now to this day, I remember the first Sunday I went
12 there with him, visit the church with him, and he was rushing
13 me, let's go, let's go, I got five more minutes, I got to be
14 on the stage, I got to do what I got to do. And I said okay.
15 We got there on time, and when he was walking up on the stage,
16 he was just looking at me, because I was the only one in the
17 family that time to visit. And he was just smiling, looking
18 at me, because his little brother was there. You know. And
19 I'm going to miss that.

20 I mean this is just so much. I mean it hurts so bad,
21 Judge, it really hurts so bad. You know. And you know what,
22 my wife told me I was crazy one day, I said I not only hurt
23 for me, I hurt for his family. I hurt for him. He's sitting
24 in the hot seat right now, and I'm like, why did he do what he
25 did? He didn't have to go that far. You know, my brother

1 went and he shouldn't have ran, but he did run.

2 You know, and he was only stopped for a taillight. I even
3 went as far as to purchase a taillight. A bulb. A light
4 bulb. He stopped my brother for a light bulb. A \$1.58 light
5 bulb. And like I said, he shouldn't have ran, but he did.
6 And that's all he did at the end is try to run. Tried to get
7 away. And, Judge Norton, I promise you, there was never a
8 fight. My brother didn't want to fight him. I know, if
9 nobody else know my brother better than me, I know he didn't
10 want to fight Michael Slager, he didn't want to do that. All
11 he wanted to do was get away.

12 He had a bag of groceries in his car that he had gotten
13 from a church function that they were giving away food. And
14 in his mind he wanted to have a cook out. And I probably was
15 going to be at that cook out. And when I got the phone call,
16 leaving work that same day, my plans were to go to his house.
17 I told my wife, she said, where you going? She said, you need
18 to come home. I said, I'm getting ready to go to Lamar's
19 house when I get off on Saturdays, that's where I go to visit
20 him. And every time I'm at his house, I go to his house, he's
21 playing dominoes. And all the board games you can name was at
22 his house, because he was just that fun person.

23 Family reunions, all the -- when we had the family get
24 together, start singing, guess this cartoon game, cartoon
25 song, whatever, he'd be the one in the midst, and he would

1 name all of them, and they would just laugh and have a great
2 time. My brother was the brother that when we planned for
3 family reunion, he was always the one there. We get all the
4 tables together, chairs and everything, and we worked
5 together. I'm going to miss that.

6 I have cried and cried so much. Because of the loss of my
7 brother. But I still keep asking myself, why did Michael
8 Slager have to go that far. A trained policeman, I mean,
9 right here in the courtroom. He was the one main person, if a
10 situation went bad, he would be the quick thinker to get the
11 job done. And just like he displayed that day, he was such a
12 quick thinker to do what he did, and then turn around and try
13 to cover it up. Quick thinker.

14 And I will never forget a few days after, I think it was
15 that Monday, I told my oldest brother after they -- we gave up
16 the video, seeing that video for the first time, we were in
17 total disbelief, no, that's not Walter. That's not him.

18 And then I said, you know what, I would love to have been
19 a fly on the wall to see the reaction of Mayor Summey and
20 Scarlett Wilson when they saw that video for the first time,
21 especially after it had already been displayed on TV that, oh,
22 man, took the officer's taser, shots were fired, man down.
23 They had already accepted his story, and it was -- That was
24 the thing, Michael Slager would have been on the job the next
25 day, had it not been for the video that Santana took, he would

1 have been on the job the next day working, you know. But sure
2 enough, you know, when they saw the video that day, I'm sure
3 they were really really shocked to see what really happened on
4 what was portrayed that day. You know. And Mayor Summey got
5 on TV, and he said, when you're wrong, you're wrong. Chief
6 Driggers said he treated the situation just like his own
7 child, it hurt him to see that -- what the wrong that he saw
8 that day before he went into.

9 When we spoke with the President of the United States, he
10 felt as if it was wrong what he did. He made a bad decision
11 that day. And we shouldn't even have to go this far. We
12 went -- we spent so many taxpayers' money and time going
13 through a first trial which ended up in a mistrial, and now
14 we're here today almost a week trying to decide who was right
15 and who was wrong. Defense did an excellent job trying to
16 defend him, but our defense team did a good job trying to
17 defend us.

18 But the picture's worth a thousand words. The evidence is
19 right there, what he did. You know, we all have our -- how we
20 can make believe what we think may have happened. Our
21 narratives, different narratives, everybody have their own
22 narrative as to what they think they saw, but the truth is
23 there. My brother was gunned down for no reason. That should
24 not have happened, Judge.

25 And people have asked me, well, what kind of time do you

1 think he should serve? I think, I think he should serve no
2 less than five to ten years every time he pulled that trigger.
3 Because when he pulled that trigger, he knew what he was
4 doing. He pulled that trigger eight times. And I didn't even
5 know, I had friends call me, said, man, did you hear he paused
6 on the eighth round to make sure he knew where he was hitting,
7 the target he was hitting.

8 I spoke with several police officers, friends of mine,
9 that told me, you know what, Michael Slager, he's a man, I've
10 been a police officer years, I never even gave it a thought to
11 pull my gun on anybody. I don't want to kill nobody. So he
12 told me, he said you know what, he had to have been
13 comfortable in his skin to do what he did. To see a human
14 being, a man, he was -- my brother was humiliated, handcuffed,
15 and left for dead, bleeding on the ground. His body language,
16 Michael Slager's body language didn't show any care or concern
17 about who he had just shot.

18 And I watched that video over and over. I know I must
19 have watched it over 2000 times. And I kept trying to make
20 sense, I mean, why is he doing that. I mean, why did he even
21 enter the brick road? He had everything he needed. What's
22 the first thing a police officer asks you when he approach
23 your car, driver's license, registration. Michael Slager had
24 driver's license -- he didn't have the registration, he had
25 driver's license a suspect and a car. So I keep asking

1 myself, why did he even have to enter the yellow brick road.
2 Just let him run. It's 9:00 o'clock on a Saturday morning.
3 Why do I even have to run behind him. I got what I need. I
4 got the most valuable evidence, his license with the picture
5 that match his face. I got you. So go ahead and run.

6 I tried to come up with so many different scenarios as to
7 why did it have to go that far. Especially with an expert
8 trained policeman. My brother should not have died. Not
9 because of that, not because of running. And then in the end,
10 that's all he did is run, try to get away.

11 I will put my life on it today, there was never ever a
12 fight. He didn't want to fight him.

13 But my heart goes out to his family, because he got hurt
14 just as well. His little boy that was just born, he's going
15 to grow up without a father present. But at the same time, my
16 nephew and my nieces, the day she get married, she will never
17 be able to have her father walk her down the aisle.

18 And Miles will never forget the screaming and hollering of
19 his dad on the phone. That's his last memory, that's been
20 chiseled in his brain, his father screaming for dear life.

21 And I'm not going to hold police officers, any law
22 enforcement accountable for what one man did. Because we
23 don't have -- they aren't all bad policemen, but the ones that
24 are bad need to be filtered out. And I thank God that God was
25 there, he had to have been there, had to have been in that

1 moment for him to be there, Santana to be there to take that
2 video. Because I spoke with Santana, he didn't even know how
3 to use the video player, he just turned it on and he captured
4 what needed to be captured. All I can say is that had to be a
5 move of God to do that. Because like I said, if it wasn't for
6 that video, Michael Slager would have been working today.

7 And, Judge, when you do your sentencing, I hope you take
8 into consideration that this is not only a life-changing
9 situation, but it's world changing. This has gone global. We
10 are making history today. And I want Michael Slager to pay
11 for what he did. I want the sentence to be to the level where
12 he won't ever forget it, that you made a mistake. He did that
13 exclusively, himself, made that decision.

14 So thank you, Judge, for hearing me.

15 THE COURT: Thank you, Mr. Scott.

16 MR. FISHMAN: Thank you, Your Honor. I would also
17 just note for the record the Government's previously submitted
18 a victim impact statement binder.

19 THE COURT: I've read them.

20 MR. FISHMAN: Thank you, Your Honor.

21 THE COURT: Anybody else?

22 MR. FISHMAN: Pursuant to the plea agreement,
23 Solicitor Wilson would like to address the Court as well.

24 THE COURT: Will she be your last person?

25 MR. FISHMAN: I believe so, Your Honor.

1 THE COURT: Then we'll take a break and I'll hear
2 from the defendant. Yes, ma'am.

3 MS. WILSON: Thank you, Judge. I'm not going to be
4 long.

5 Mainly what I want to do, per the plea agreement, is
6 express our thanks to you. You have been so courteous, so
7 patient through this whole process. You've seen through the
8 noise. It has been clear that you have kept focus on the
9 things that needed to be focused on.

10 Obviously the State Law Enforcement Division has also been
11 through a lot with this case, and a lot of things have been
12 said about them and their handling of this case. And I can't
13 say enough, that through my meetings with them through this
14 whole process, that I've never seen anything inappropriate by
15 SLED. Did they make mistakes? Yes. All of us have made
16 mistakes in this trial and in this investigation, I'm sure.
17 But they have been earnest in the things that they did, and
18 they did a fine job by Michael Slager and by Walter Lamar
19 Scott.

20 I also want to thank you for the consideration that you
21 gave to the fact that there was a dual prosecution. That's
22 not an ideal situation, we recognize that, and we appreciate
23 your finding that that took this case out of the heartland, we
24 certainly understand that.

25 But you have been more than gracious to the defense, to

1 the AUSAs, to our office and to the witnesses and the family.

2 If you recall, when we met with Mr. McCune at one of the
3 state hearings, there was no race to get in the courthouse, it
4 was how can we space these things out so this family doesn't
5 have to sit for week after week after week back to back. And
6 you did what you could to accommodate us.

7 I can't stress the importance of the Department of Justice
8 getting involved in this case and for your handling of this
9 case. Because the fact of the matter is, you know, maybe we
10 could have tried this again with a jury, proven this case
11 beyond a reasonable doubt, maybe not. But the truth is that
12 people in other states, people across this nation don't really
13 care what the D.A. in Charleston did or does, or what the
14 state judge does. They do care what the Department of Justice
15 believes and the position the Department of Justice takes.
16 They do care what a federal judge finds and what a federal
17 judge sentences.

18 So your involvement, the Department's involvement, we
19 think was critical in this case. And it's where it needs to
20 be. And it's unfortunate, some of the way that this unfolded,
21 that's a whole other story, but we appreciate the way you
22 handled this.

23 You've seen this family in public, I've seen this family
24 in private. What I can tell you is that what you have seen is
25 authentic. And it has been a long journey of trust. And I

1 wish that people across this country, with what we're seeing
2 in politics, in discussions about behavior in corporations and
3 organizations, I wish that people could give each other the
4 consideration that this family has given me and I've given
5 them. We've come a long way, and we've had many many talks,
6 many laughs, many tears, many debates. But there was always
7 respect for each other's position.

8 And so many can learn so much from these people. And I
9 can not overstate how important they were to keeping the peace
10 here. This could have been so much different. We looked, we
11 as a community looked to this family, and they guided us. And
12 we all need to be grateful for that. I certainly am grateful.
13 I don't know why they were chosen either, and I don't want to
14 say that I'm glad they were chosen, but I will say that I
15 can't imagine having gone through this with any other family.
16 And I am eternally grateful.

17 You know, I told the story after the guilty plea, and
18 again goes to the authenticity of these folks. When it was
19 the night before the plea and I was over at in their home,
20 just us, just talking about what was going to happen in
21 Federal Court. And Miss Scott started to cry. And I thought
22 that she was crying about Lamar. And, you know, I was asking
23 her why, why was she crying, did she want to talk about it.
24 And she said, I'm not crying for Lamar, I'm crying because I
25 know that Michael Slager has a son. And she was worried about

1 that. Genuinely worried and concerned about Mr. Slager and
2 his child. That was -- there were no cameras around, there
3 was nobody but me, and that was what was in her heart. And I
4 have seen that so many times with them. Yes, they want
5 justice, yes, they want consequences, yes, they want
6 accountability, but they also believe in compassion. And
7 that's been clear to me from the start.

8 So as to the sentence, I don't have an ask of you, except
9 to do what you've already done. This isn't a life case. I am
10 not sure why Mr. Savage and Mr. McCune could put in a brief
11 that I had pushed for life. That's never come out of my
12 mouth. I don't believe this is a life in prison case.

13 I've been prepared to go through e-mails and things
14 regarding what my thoughts on sentence were, but it certainly
15 wasn't that, and it really wasn't even 25 years, as he stated
16 yesterday in court.

17 This is serious. But what we ask is that you do what
18 you've already done, and it really is to be strong, be
19 courageous and do the work. You've done it. You've got great
20 support, you've got a great team, and we know that you're
21 going to get it right.

22 Thank you.

23 THE COURT: Thank you. We'll take a break. We'll
24 start again at 11:30.

25 (A recess was held at this time.)

1 THE COURT: Mr. Savage?

2 MR. SAVAGE: If I may, Judge, before I start, I'd
3 like to thank everyone in the Scott family for their
4 courtesies that you've extended to me as an attorney and your
5 understanding of my position and obligations. And,
6 Mrs. Scott, particularly for you, for your forgiveness of
7 Michael and your courage of your convictions.

8 Judge, I want to be sure that I understand the Court's
9 ruling before I say anything further.

10 It's my understanding that in reference to 2H1.1, you have
11 determined that 2A1.1, 2A1.3 and 2A1.4 are inappropriate, and
12 you have found a cross-reference to be 2A1.2. Is that
13 correct?

14 THE COURT: Well, I haven't memorized the guidelines.

15 MR. SAVAGE: So it's not murder, it's second degree
16 murder.

17 THE COURT: Right. That will be delineated in a long
18 written order that you're going to get.

19 MR. SAVAGE: So -- and you have also found that an
20 enhancement under the statutory guidelines for a plus two
21 under obstruction of justice?

22 THE COURT: Correct.

23 MR. SAVAGE: With respect to the acceptance of
24 responsibility, has the Court ruled on that?

25 THE COURT: I think he gets acceptance of

1 responsibility.

2 MR. SAVAGE: Thank you. And then there's been a five
3 level, is that correct?

4 THE COURT: Two level on departure, two level on the
5 variance. Departure in the 5K2.0.

6 MR. SAVAGE: Okay. Judge, I have watched you for a
7 long time, including this week. And I don't mean these
8 remarks directed on a personal basis, as you might imagine, I
9 do have some issues.

10 There are constitutional issues concerning your authority
11 to make the decisions that you've announced today.

12 The jurisprudence in the United States of America, when it
13 comes to criminal law, is based first and foremost on the
14 presumption of innocence and the right of every defendant to
15 have his charges considered by a jury of his peers, to a
16 burden of proof beyond a reasonable doubt.

17 In this case the defendant, Michael Slager, chose to have
18 his case determined by a jury of his peers, of which he had
19 one year ago. That jury found he was not guilty of murder,
20 and could not make a decision on the issue of manslaughter.

21 Following that jury verdict, or nonverdict, the
22 defendant's attorneys went to Washington, D.C., where they met
23 with the appointed civil rights section leader and six or
24 eight of his assistants, and asked the Government to proceed
25 with their case after, as they have done in just about every

1 case of a similar nature, once the State was done.

2 The reason for that is because if we had tried this case,
3 as Mr. Slager was entitled to, before a jury, we would have
4 faced enhancements for the usage of a weapon and for
5 obstruction of justice. But the gravamen of the case is that
6 2H1.1 violation of civil rights.

7 The jury would not have been able to have any influence on
8 the sentencing. Again, the Court, to a burden of proof by a
9 preponderance of the evidence, whether we went to trial or
10 whether we pleaded, it would have been the same thing. Basic
11 constitutional unfairness. The Court, unlike a jury, in your
12 remarks this morning, indicated that you counseled with your
13 law clerk. She's not a juror. If she was a juror, I would
14 have had an opportunity to question her opinions, her
15 prejudices, I would have had the choice of placing her on the
16 jury or not on the jury.

17 The Court then admitted that it consulted with a forensic
18 pathologist. A jury would have been held in contempt of
19 court, had they done that, if they didn't determine the facts
20 of the case from the evidence presented under oath in the
21 courtroom.

22 So although the Apprendi decision and the subsequent
23 decisions, Apprendi being one that supports the right to have
24 a jury determine the aggregate factors, but within the
25 statutory maximum in this case, admittedly the statutory

1 maximum of life, and although the Court is correct in its
2 rulings about the entitlement of the Court to make these
3 decisions, the defendant, Michael Slager, nonetheless takes
4 objection to the Court's ability, not the decision, but the
5 ability to make the decision, as being unconstitutional and
6 contrary to the rights of the defendant.

7 This Court could have placed Michael Slager on probation,
8 or they could have placed this defendant in jail for the
9 remainder of his life. And that decision that the Court has
10 made, is being made on the basis of facts that this Court has
11 heard within the courtroom and outside of the courtroom. And
12 we believe, therefore, not the judge's decision, but the
13 judge's ability to make that decision on aggravating factors,
14 is unconstitutional and would take exception to that.

15 Now, having moved on from that position, we would ask the
16 Court to sentence Mr. Slager within the guidelines that the
17 Court has determined, at the minimum level. And we would ask
18 the Court not to -- we are not seeking a departure, but we are
19 seeking the Court's basis for a minimum within the guidelines
20 sentence on 5K2.10. We realize that the Court has ruled
21 against us on the departure issue, but again, we are asking
22 within the guidelines for minimum sentence.

23 We're asking the Court, as we wrote in our memorandum on
24 5H1.5 or 5H1.6, 5H1.8, 5H1.11. Again, guidelines that do not
25 apply, we have not asked for, because we don't believe, in and

1 of themselves, or combined, they would provide an opportunity
2 for the Court to give us a departure on that basis. But as
3 the policy of the guidelines read, the Court may very well
4 consider them in terms of within the guidelines sentencing.

5 Charlie Bennett?

6 MR. BENNETT: Morning, Your Honor.

7 THE COURT: Morning, Mr. Bennett.

8 MR. BENNETT: My name is Charlie Bennett. I am a
9 detective with the North Charleston police department. I have
10 worked with Michael Slager since I was hired in October of
11 2010.

12 Before I start, I would like to offer my heartfelt
13 condolences to the Scott family for the very real and very
14 affirmative pain that you guys experienced because of this. I
15 know this guy. The grace that you have exemplified through
16 this process has been very admirable, and I appreciate that.
17 Thank you.

18 When I was first hired, I started out, as most officers
19 do, I worked in patrol, I was assigned to the south midnight
20 team. My team and Michael's team overlapped one shift every
21 week. And I worked on that team for the first year that I was
22 there. During that time I came to know the character of
23 Michael Slager. He was known as an officer that other
24 officers who weren't -- that had not been on the force as long
25 as he had could go to, to ask questions about police matters,

1 about the law, about policies, procedure. He was known as
2 somebody that is very even-keeled. And police work, as in any
3 profession, you have people with all manner of personalities.
4 There's some people, some officers that you know that are a
5 little more keyed up, that they come onto a scene, it's likely
6 to escalate just by the nature of their personality. Michael
7 was the opposite of that. I believe that's reflected in the
8 fact that his sergeant chose him to be the bar officer, which
9 meant that he would go to bars when they're closing, and keep
10 a rowdy crowd from becoming rowdier. And help them disperse
11 in a peaceful manner.

12 I also got to experience the fact that he was known for
13 this calmness a little more when I made detective assigned to
14 the special victims unit, I worked with sex crimes and child
15 abuse. Michael's sergeant again selected him to be the one to
16 respond to the overwhelming majority of the sex crimes that
17 were committed on his shift. Sexual assault victims have a
18 whole range of responses to their victimization, and can be
19 from hysterical to very angry to being very muted, very
20 detached. And Michael was selected for this position because
21 his very nature is very empathetic and very patient.

22 He was able to go and meet with these victims and take the
23 time and express to them his concern for what was going on.
24 And that resulted in the product that I received, which would
25 be his initial report. It contained not just the basics that

1 I would need to start my investigation, but far more. So and
2 I've actually had victims who have come to me since all this
3 has transpired to express their support for him in that
4 manner, because of the kind and gentle way that he treated
5 them.

6 I understand that Mike pled guilty in this case, and I
7 respect the decision to do so. I would ask that Your Honor
8 consider the character of the man that I know in making your
9 ultimate decision, and I beg for a sentence that is both just
10 and merciful.

11 Thank you.

12 THE COURT: Thank you, Mr. Bennett.

13 MR. SAVAGE: John Paolucci.

14 MR. PAOLUCCI: Morning, Judge.

15 THE COURT: Morning.

16 MR. PAOLUCCI: I would also like to offer condolences
17 to the Scott family, and you are in my prayers.

18 Judge, I served 20 years in the New York City police
19 department, 13 of those years I was a sergeant and retired as
20 a detective sergeant in the forensic investigation division.
21 Currently I'm a crime scene analyst, and I work cases
22 throughout country and have done work internationally as well.
23 I've been on this case with Andy Savage since the very
24 beginning. I first met Michael Slager on video and then
25 through a glass and eventually in person. I've been through

1 his entire life page by page, and got to know him through the
2 eyes of his family and his colleagues, and even watched his
3 son Isaac growing up, often while his father was incarcerated.

4 I attended a christening party for Isaac, which Michael
5 Slager could not make because he was denied bond on that day.
6 How many of our close friends can we say that we've been
7 through every detail of their life?

8 As Michael Slager's life unfolded before me, I was very
9 impressed with him both personally and professionally. You
10 can be certain if there was anything negative in his life, it
11 would have been a front page story. Lieutenant Humpfries
12 described Michael Slager as the go to guy, self-motivated, and
13 maintained a neat professional appearance. As a supervisor,
14 I'm being generous if I said that one in ten cops can be
15 described as such.

16 I would say there are cops and there are civil servants,
17 as I'm sure you know. At its peak, NYPD had 40,000 members of
18 the service. I've known many cops in their work ethic. A cop
19 like Michael Slager is very rare.

20 Ironically, throughout the many procedural setbacks and
21 outright lies published and broadcast about this case, Michael
22 Slager is one of the only members of the defense team who
23 never lost his composure. I was always impressed with how
24 Michael Slager was able to accept his situation and continue
25 to move forward with his defense. I've never seen him angry.

1 During the state trial, my mother was terminally ill, and
2 I commuted between sleeping beside her in a hospital room and
3 coming down here to Charleston to participate in Michael
4 Slager's defense. Every morning when Michael saw me, he'd put
5 his arm around me and say, John, how's your mom, I'm praying
6 for her. Then he'd be taken away in Kevlar so he could go to
7 court.

8 As a New Yorker, I've known thousands of people in my life
9 in my capacity as a seeker of the truth. Judge, I tell you,
10 I've never met a finer human being than Michael. God
11 forgives, and the truth awaits us all.

12 Thank you, Judge.

13 THE COURT: Thank you.

14 MR. SAVAGE: Thomas Slager.

15 MR. SLAGER: Morning, Your Honor.

16 THE COURT: Morning.

17 MR. SLAGER: Your Honor, my name is Tom Slager, I'm
18 Michael's father. I want to thank you for giving me the
19 opportunity today to address the Court.

20 This has been such a tragic life-changing experience for
21 all of us. Not only the Scott family, but to our family. But
22 I will say that when I found out I could say a few words
23 today, I didn't know what I was going to say. But what I will
24 say is it's coming from the heart. I don't have anything
25 prepared, so please bear with me.

1 From an early childhood, Your Honor, Michael would always
2 help people. I think that was instilled in him from my
3 experience as an officer in the military in my younger years,
4 where I experienced more pain and suffering and death, I
5 think, than most people should in a lifetime. And the take
6 away from that was that I wanted my children to be raised with
7 where they give back and they make a difference in life and
8 they help people. And Michael was no exception to that.

9 From a young age, I remember him coming home from school
10 in elementary school and helping the older neighbors out by
11 taking their trash cans in and helping them with yard work. I
12 remember when we would go to Habitat for Humanity projects,
13 and he was the only child there, and although he couldn't do
14 the heavy lifting, because he was too young, he did help a lot
15 by passing us tools and replenishing our supply of nails and
16 so on.

17 And I remember one particular day when we were leaving, it
18 was a very hot day and we were both very sweaty, and we were
19 in the car and we stopped to get a cool drink. And in the
20 car, as we were drinking our soda, I looked over at him and he
21 had this look of kind of like a half smile looking out the
22 window, and I remember looking at him and knowing what that
23 look was. That was a look that you get when you are dead
24 tired, you work hard, you make a difference, and you help
25 people. And I was very proud of him at that moment, knowing

1 that he was on his way to a life of service and to helping
2 people.

3 Not only did he help people, but he also improved himself
4 in his early years at every chance he could get. I remember
5 his first job when he worked at the local McDonald's, like a
6 lot of the kids in school did, when he came home with his
7 first paycheck, and that was a big deal, he had his name on
8 it, it was really a big deal for everyone. And when he got
9 enough skill there, he then went on to a theme restaurant
10 where he made more money, more experience. Then from there,
11 while going to school, he went to a catering company that
12 catered to high-end events and made even more money. And even
13 as recently as when he worked in the North Charleston police
14 department while working full-time and raising a family, he
15 went back to college and finally completed his degree.

16 When he was in high school, he came up to me and said he
17 wanted to join the EMTs, which was an affiliate of the local
18 fire department. And not in a negative way, Your Honor, but I
19 asked him more for a dialogue, why would you want to join the
20 EMTs. And he told me the very first thing he said was that he
21 wants to help people. And help people he did. Once he got
22 his training, he went on calls from helping kids that had
23 bicycle accidents to multi-car crashes on the local interstate
24 and everything in between.

25 And one of the stories or the calls he went on that really

1 hit home with me that I still talk about today, is one night
2 when he came home on the weekend, he was called to a local
3 hotel complex where there was a wedding reception going on.
4 And apparently the father of the bride had a heart attack.
5 And his team stabilized the man, kept him alive and took him
6 to the hospital. And unfortunately, the man died a few days
7 later. But it was a tragic event, and he had talked about how
8 not only for the family it was so tragic, but for the guests
9 and even the employees of that hotel complex. Everybody was
10 visibly shaken.

11 Jumping ahead a few years later, when Michael was in the
12 Coast Guard. One of our long-time neighbors moved out, and a
13 younger couple moved in. And I invited them over for dinner
14 to welcome them to the neighborhood and to get to know them
15 them a little better. And it was that night, it didn't take
16 long before we all realized we had something in common that we
17 never would have thought of. It was Deb's dad that passed
18 away and that Michael helped take to the hospital.

19 And I remember them telling me, you know, that they
20 remember the EMT crew being there, getting there so fast,
21 stabilizing their father. I remember them saying that they
22 had two additional days to spend with him, and how a lot of
23 us, when we experience death, that sometimes we don't have the
24 opportunity to say things, but they had the opportunity to say
25 everything they wanted to, to their father. And it was a very

1 emotional time, as you can imagine.

2 I looked on the wall and I saw his picture, and I tried to
3 reach out to him. And he was out at sea at the time and we
4 couldn't talk to him. But they also said that he had a -- he
5 had given them at that point a level of closure that they
6 never had. Because now they came full circle with the people
7 that actually helped their dad, and the people that actually
8 gave them that opportunity to spend a few more precious
9 moments with their father before he died.

10 Now backing up a few minutes when -- a few months now when
11 Michael did decide to join the Coast Guard, he had graduated
12 high school, and he went to college for a year, didn't like
13 it. And he came to me and asked me about going into the Coast
14 Guard. And again I asked him, not in a negative way, but more
15 of a dialogue, why would you want to join the Coast Guard.
16 And the very first thing he said was because he wants to help
17 people. And help people he did, from rescuing people off the
18 coast of Cape Cod, to searching for lost fishing vessels where
19 everybody on the ship was sick, it was so rough, to when he
20 was transferred down to Cape Canaveral in Florida and he was a
21 boarding member and did drug interdiction missions and guarded
22 the space shuttle, and even protected the manatees during
23 their mating season from boaters that could injure them.

24 And he enjoyed the Coast Guard. And when his initial
25 enlistment was up, he decided to get out. And one his friends

1 had lived here in Charleston, and he decided to listen to him
2 and move to Charleston. And shortly after that, he contacted
3 me and told me he wanted to be a police officer. And once
4 again, for the third time I asked him in that more of an open
5 dialog, why would you want to join the police department. And
6 once again he said because he wants to help people. And not
7 only did he say that, but he said, what better way to help
8 someone than that lives in your community.

9 And so that life of service that I envisioned him having
10 was continuing on in his later life. And while a police
11 officer, although the media has been very kind to him on that,
12 he did a lot of good for a lot of people. And one of the
13 things we would talk about when he would have to take someone
14 to jail or transport someone to the local jail, as he was
15 doing that, he would tell the people in the back of his car,
16 it's okay, you know, you're going to be all right, this is --
17 you made a mistake, but you can change your life. And
18 apparently he, with this humility he showed to them and this
19 understanding, they actually got a few letters that were sent
20 to the local police department. And I know you got a few
21 letters, that he probably affected a lot of people, because
22 unfortunately today people don't usually reach out and thank
23 you for things. So I know he made a difference.

24 Some of the calls he would go on were heart breaking. He
25 would tell me the time he went to a location where there were

1 abandoned children there, and there was fecal matter all over
2 the floor and mattresses and trash, and the kids were just so
3 dirty. And they were also full of bed bugs, bed bug
4 infestation all over them. And once the children were taken
5 care of, he had to go out in the street, take off all his
6 clothes, strip naked and be decontaminated himself so he
7 wouldn't bring those home to his family. And I remember him
8 talking to me about that, and not so much about at all, he
9 didn't really mention the decontamination, but how can people
10 treat children like that. It really affected him.

11 And then there was another case where a young teenage girl
12 was slashed by her boyfriend because she wouldn't have sex
13 with him. I believe he cut her ear off and part of her nose.
14 And he says he never forgets how she looked at him when he
15 went in there, looking in her eyes, and again, what happened.

16 Michael had a lot of compassion. He still does.
17 Obviously he's a good man. And I think what happened that day
18 was such a profound and such a tragic event, it was almost
19 like the perfect storm, if you could look at it that way, so
20 many little things came together that day for that to happen.

21 I look at the -- during the trial we had one of the SLED
22 investigators said they couldn't remember a question, because
23 they were only taught that in the Academy. Well, it's the
24 same with Michael. He got the majority of the training in the
25 Academy, and then once they hit the street there was very

1 little training in North Charleston. Especially with the high
2 crime area it is, almost number one in the country, compared
3 to the FBI statistics, the violent crimes they have there.
4 And they -- he didn't have the training, I think, to help him.

5 I think the fact that even with that high crime area,
6 leadership gave off the majority of the police officers that
7 day in that area, as we talked about in court already. And
8 not only the patrolmen, but the leadership positions.

9 And I think another part of this perfect storm, and I
10 don't mean this in a negative way to the Scott family at all,
11 but I think that Walter Scott was let down by society. I
12 think Walter Scott should have got the help he needed when he
13 was kicked out of the Coast Guard for drugs. And over the
14 next 25 years with the, you know, the being fired from jobs
15 for drug use, I think today's society, we just throw people --
16 we don't give them help. We just throw people aside. And you
17 know, I think his employers have responsibility to help people
18 today. You can't just say fire somebody for being on drugs
19 and then that's it and get to pass the problem on. I really
20 think that was a -- that was a situation that we have a big
21 problem in this country with today.

22 So I think there's a perfect storm that came together. I
23 know that Michael did not wake up that day at all mean,
24 unhappy. He was very happy that morning, he was looking
25 forward to Easter Sunday, the next day, to spend time with his

1 family, go to church, and actually had a few days off after
2 that.

3 And I know he is devastated by this as well as we all are.
4 And when I flew down here the next day when I found out about
5 the shooting and I got the first flight, I got here about
6 6:30 in the morning, and the chaplains were over at his house
7 and he was devastated. I mean, he was just devastated. And
8 he kept saying, why did this have to happen. And I know the
9 next few days he couldn't sleep, you know, he wasn't like the
10 media portrayed he didn't care. He was very upset. And
11 rightly so. We were all upset and all -- we were all breaking
12 down. Including myself. It was awful.

13 And so I hope you learned a little bit more about Michael,
14 about his life of service and how we tried to raise him.
15 Michael's mother and I have been divorced for about 25 years
16 almost now, and we both -- we're still a strong family when we
17 come together and help our children out.

18 And I do also want to thank the Scott family. They -- I
19 am so sorry, as a father, I'm very sorry for what happened.
20 And this has changed so many people's lives, our friends, our
21 families, people all over the world. But it's just a terrible
22 tragedy, never should have happened, Your Honor.

23 Thank you.

24 THE COURT: Thank you, Mr. Slager.

25 MR. SAVAGE: Karen Sharpe.

1 MS. SHARPE: Judge, I'm Karen Sharpe, I'm Michael's
2 mother. I just want you to know Michael's a wonderful person,
3 a son, a husband, and now he's a father.

4 This incident, this happened a month before his little boy
5 was born. He was not able to be there, but I was, and my two
6 daughters. So my daughter-in-law had us there with her.

7 I want you to know that Michael did not do this out of
8 anger, out of prejudice, he was doing a job that he had. That
9 was his job. And as Tom said, just a perfect storm. The only
10 three people who know what happened that day is God, Michael
11 and Mr. Scott. Nobody knows, no eyewitnesses, it's just the
12 three of them.

13 And I know this is a tragedy. I know it's not just mine,
14 it's your family too. And I think about this constantly every
15 day. And I just know Michael, this will be in his heart for
16 the rest of his life and something that will never ever go
17 away.

18 But I just want you to know he is a very good person. And
19 we all love him very very much. Thank you very much for
20 listening to me.

21 THE COURT: Thank you, Mrs. Sharpe.

22 MR. SAVAGE: Madeline Cosenzo.

23 MS. COSENZO: My name is Madeline Cosenzo. Michael's
24 my brother and my best friend. I wasn't aware I was able to
25 talk today, so I didn't prepare the speech. But I know all he

1 does is care about people. He's been there for me my entire
2 life, and he has taken care of me. I'm younger than him, so
3 he's taken care of me in college, housed me, fed me,
4 everything I've gone through. His heart is huge. And he's
5 never once had malice in his heart, he's never lied. And I
6 just need you to know that his heart is so good. And this is
7 awful and I hate that we're here today.

8 And I pray for you. And I know you pray for us, and you
9 have to know that we pray for you too. And I just need you to
10 know that it was not done out of malice. He was fearing for
11 his life. And he has a good heart. And this has destroyed
12 us, please just know that. Know that he has done nothing in
13 his whole life but try to help people. But I appreciate your
14 time and thank you.

15 THE COURT: Thank you.

16 MR. SAVAGE: Jamie Slager.

17 MS. SLAGER: Hello, I'm Jamie Slager, I'm Michael's
18 wife. Sorry. We have had years to play everything that
19 happened in our heads over and over and over again. And to
20 watch everything over and over and over again. My husband did
21 not have that. He had to make a decision in a split second.
22 I couldn't imagine having to make that decision that fast.

23 Like our family said, Mike's whole life has been taking
24 care of others. Every job he's decided to take.

25 Me, my life was not at a great point when he met me. He

1 has made me who I am today and I am proud of who I am today.

2 He has made me a very strong person.

3 He is -- he is a great man. He is an amazing father to
4 our three children, two of which are not his, but you wouldn't
5 even know it. I miss him so much. And I will be waiting for
6 him to come home after the time you feel is acceptable. We
7 have made this decision together and we accept your decision.

8 I feel the immense loss for both families, and I know you
9 are hurting so much, just like we are, but I know you are
10 hurting and I pray for you every day. I do. And I think
11 about you every day. And I always will.

12 My heart breaks, knowing that things can not be changed,
13 and I am so sorry for that. But there's nothing I can do
14 except to pray to God and ask that every day is a little bit
15 easier for both families.

16 I ask you, Judge, for mercy for my husband, that's -- his
17 family needs him. And that's all you can do.

18 Thank you for listening to me.

19 THE COURT: Thank you, Miss Slager.

20 THE DEFENDANT: Good afternoon, Your Honor.

21 THE COURT: Mr. Slager.

22 THE DEFENDANT: Everyone in the courtroom, the
23 Scotts, the whole Scott family. Thank you for letting me
24 speak, Your Honor.

25 As I was growing up, both my parents taught me life

1 lessons which every person should have instilled within them.
2 Working with the Habitat of Humanity, volunteering with my
3 local EMS, serving my country in the United States Coast
4 Guard, finally accepting a position with the North Charleston
5 police department. From early start of my life I've
6 gravitated towards being in public service to help people,
7 helping people who couldn't help themselves. This is what I
8 enjoyed doing during my life. My whole life. Looking forward
9 to being able to re-enter society as a productive member, as I
10 was before. And during my whole life. As a role of loving
11 father to my wife, being there to support my kid and my
12 family. Any way I can.

13 For the past 31 months I've thought about the morning of
14 April 4, 2015. This tragic event that occurred in seconds,
15 has changed the lives of everyone involved, my life, my
16 family's life, Mrs. Scott's, her husband, Rodney, Anthony,
17 everyone on the left side of the courtroom.

18 With my actions that day, Walter Scott is no longer with
19 his family. And I'm responsible for that. His family will
20 never have a chance to be with him for those special family
21 occasions, birthdays, holidays, get togethers, the family
22 functions. There's always going to be a part of the Scott
23 family that has a missing part in their heart.

24 After thinking about what happened that day, I wish this
25 never would have happened. I wish I could go back in time and

1 change the events, but I can't. And this is such a tragic
2 situation, I'm very sorry for it. So I'm standing here before
3 the Scott family, my family and this Court, taking
4 responsibility for my actions on April 4th, 2015. And I hope
5 the Scott family one day can open their hearts to forgive me
6 for the actions I did. But after sitting in the courtroom and
7 listening to them, I know they have. I'm very grateful for
8 that.

9 Thank you, Your Honor.

10 THE COURT: Thank you, Mr. Slager. You can go back.

11 Does the Government have a position with regard to the
12 sentence?

13 MR. FISHMAN: Your Honor, as has been stated in
14 numerous times today, this case is truly a tragedy. A tragedy
15 for two families, a tragedy that affected an entire community,
16 and a tragedy that affected our entire nation.

17 3553 directs the Court to impose a sentence that reflects
18 the seriousness of the offense, to promote respect for the
19 rule of law, and to provide for just punishment. The
20 Government asks for a sentence that demonstrates to the
21 community that no one is above the law, and that Walter Scott
22 mattered. The Court's rulings showed that the Court has taken
23 this case incredibly seriously, and we thank you for your
24 time.

25 THE COURT: Mr. Savage, anything else from the

1 defendant?

2 MR. SAVAGE: No, sir.

3 THE COURT: Okay. The sentence I'm going to give
4 today, there will be a written order in this case that's going
5 to reflect the nature and circumstances of the offense, and
6 everybody agrees that the offense is -- this is the most
7 serious offense that we have, from what I understand from my
8 spiritual adviser's First Commandment.

9 History and characteristics of the defendant, as what
10 we've seen here today, he's led a spotless life, and everybody
11 realizes this is a tragedy today that shouldn't have happened.

12 It will again reflect the seriousness of the offense and
13 promote respect for the law. It will provide just punishment.
14 But just punishment is in the eye of the beholder. What's
15 just for the Scott family is not just for the Slager family,
16 and what's just for the Slager family is not just for the
17 Scott family. It's a zero sum game.

18 So having a calculated and considered the advisory
19 Sentencing Guidelines and the relevant statutory factors of 18
20 United States Code 3553(a), it is the judgment of the Court
21 the defendant, Michael Thomas Slager, is hereby committed to
22 the custody of the Bureau of Prisons for 240 months.

23 No fine, \$100 special assessment, two years supervised
24 release, standard conditions of supervision and the following
25 special conditions. Shall participate in a program of mental

1 health counseling or treatment as deemed necessary by the
2 probation office until he's released. Shall contribute to the
3 cost as necessary.

4 He shall provide the probation office access to any and
5 all requested financial information, including but not limited
6 to income tax returns. Shall be prohibited from opening any
7 new lines of credit without the prior written approval of the
8 probation officer.

9 Does anyone have any objection to the form of that
10 sentence?

11 MR. FISHMAN: No, Your Honor.

12 MR. SAVAGE: The basis, on the basis as previously
13 spoken to the Court, that's all.

14 THE COURT: All right. Dismissing any other charges,
15 Mr. Fishman?

16 MR. FISHMAN: Yes, Your Honor.

17 THE COURT: What; count two and three?

18 MR. FISHMAN: I believe that's correct.

19 THE COURT: Okay. All right.

20 Mr. Slager, you have 14 days from today to appeal from
21 this sentence. If you can't afford a lawyer, I'll appoint
22 Mr. Savage to represent you.

23 Good luck. Thank you.

24
25 (Court adjourned at 12:19 p.m.)

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REPORTER'S CERTIFICATION

I, Debra L. Potocki, RMR, RDR, CRR, Official Court Reporter for the United States District Court for the District of South Carolina, hereby certify that the foregoing is a true and correct transcript of the stenographically recorded above proceedings.

S/Debra L. Potocki

Debra L. Potocki, RMR, RDR, CRR